

51. (New) The method of claim 47, wherein said tumor is a solid tumor or a hematological tumor.

52. (New) The method of claim 47, wherein said tumor is selected from the group consisting of melanoma, lymphoma, plasmacytoma, sarcoma, glioma, thymoma, leukemias, breast cancer, prostate cancer, colon cancer, esophageal cancer, brain cancer, lung cancer, ovarian cancer, cervical cancer and hepatoma.

53. (New) The method of claim 47, wherein said animal is a human subject.

### **REMARKS**

#### **I. General Remarks**

Claim 45 is amended correct obvious typographical errors. In claims 26 and 41 the word transformed is replaced with the word transfected a term preferred by Applicant. Both terms mean the introduction of DNA into cells. This replacement does not introduce any new matter and is fully supported by the specification. For example, at page 48 Example 5 describes transfection of LM-IL-2K<sup>b</sup> cells with genomic DNA from B16 melanoma cells.

#### **II. Patentability Arguments**

##### **A. The Rejections Under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn**

The Examiner has rejected claims 26, 41-46 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner alleges that the term "effective amount" recited in claim 26 is not supported by the instant specification. Applicant respectfully brings to the attention of the Examiner that claim 26 defines the effective amount as the dosage sufficient for accomplishing a function of the inhibition or prevention of tumor growth and that the determination of such dosages is a matter of routine (see MPEP, page 2100-199). The court has ruled that the term "an